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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
09/529,575	04/14/2000	FRANCIS JAMES ROURKE	7042-R	9622
27752 7590 10/03/2006			EXAMINER	
	ER & GAMBLE COM	ANDERSON, CATHARINE L		
INTELLECTUAL PROPERTY DIVISION WINTON HILL BUSINESS CENTER - BOX 161 6110 CENTER HILL AVENUE CINCINNATI, OH 45224			ART UNIT	PAPER NUMBER
			3761	- · · · · ·
			DATE MAILED: 10/03/2006	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary Application No. Application Office Action Summary D9529,675 ROURKE ET AL. Examiner At Unit 3761 - The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS. WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNCATION. - Interview of the main beam address on the cover sheet with the correspondence address Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS. WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNCATION. - Interview of the main beam address on the maining date of the communcation. Failed the share share state of the share state of the main beam address of the share state of the share state of the main beam address of the share state of the	r		<u>\\</u>				
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	3) Information Disclosure Statement(s) (PTO/SB/08)	3) Information Disclosure Statement(s) (PTO/SB/08) 5) Notice of Informal Patent Application					

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12 July 2006 has been entered.

[•] Response to Arguments

Applicant's arguments with respect to claims 31, 32, 36, 41-44, 46, 48, and 52-53

have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 31, 32, 36, 41-44, 46, 48, 52, and 53 are rejected under 35 U.S.C. 102(e) as being anticipated by Klofta et al. (6,238,682).

With respect to claims 31, 32, and 36, Klofta discloses an absorbent article

comprising a liquid permeable topsheet, as described in column 5, lines 49-55, and a

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delivery system for releasably containing and delivering a protease inhibitor, as described in column 13, lines 7-9 and column 15, line 67. The protease inhibitor is hexamidine, as disclosed in column 15, line 67, and is present in the range of 0.0001% to 30% by weight of the article, as disclosed in column 16, lines 66-67, and column 28, lines 7-9. The protease inhibitor comprises the identical chemical structure and concentration of the present invention, and therefore inherently exhibits the same IC₅₀ of about 500 μ M and 20% reduction in substrate hydrolysis as the present invention.

With respect to claims 42 and 44, the delivery system is a skin care composition, as disclosed in column 4, lines 52-59, and the skin care composition comprises from 0.1% to 6% of the protease inhibitor, as disclosed in column 16, lines 66-67.

With respect to claim 43, the skin care composition is transferable to the skin of a wearer, as disclosed in column 4, lines 11-16.

With respect to claim 46, the protease inhibitor is an emulsion.

With respect to claim 48, the topsheet comprises the protease inhibitor disposed on a wearer-contacting surface, as disclosed in column 27, lines 39-52.

With respect to claims 52 and 53, it would have been an obvious matter of design choice for the topsheet to comprise regions that do not contain the skin care composition and have the skin care composition disposed in a plurality of stripes, since the applicant has not shown that this application of the skin care composition solves any stated problem or serves any particular purpose, and it appears the invention would perform equally well with the skin care composition disposed on all regions of the topsheet. *In re Dailey*, 140 USPQ 47.

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Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patents 6,753,063; 6,716,441; and 6,716,204 disclose absorbent articles comprising a protease inhibitor.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to C. Lynne Anderson whose telephone number is (571) 272-4932. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tanya Zalukaeva can be reached on (571) 272-1115. The fax phone number for the organization where this application or proceeding is assigned is 571- . 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000. Application/Control Number: 09/529,575

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CUA cla September 29, 2006

TATYANA ZALUKAEVA SUPERVISORY PRIMARY EXAMINER